

**IN THE CLAIMS:**

**Please cancel claims 2-3, 7, 11-13 and 15 without prejudice or disclaimer.**

**Please amend the claims to read as follows:**

- A3
1. (Currently Amended) A light-emitting device comprising:  
a light-emitting element;  
a case comprising including a cup-like portion having a bottom on which said light-emitting element is mounted;  
a sealing member with which said cup-like portion is filled so that said light-emitting element is covered with said sealing member; and  
a low-refractive-index layer having a refractive index lower than that of said sealing member and formed between said sealing member and a surface of said case shaping a side surface of said cup-like portion,  
wherein said low-refractive-index layer comprises a gap between said sealing member and said surface of said case, and  
wherein said gap has an end on an emission observation surface side, said end being filled with a light-transmissible material.
  - 2-3. (Canceled)
  4. (Currently Amended) A light-emitting device comprising:  
a light-emitting element;  
a case comprising a cup-like portion having a bottom on which said light-emitting element is mounted;  
a sealing member with which said cup-like portion is filled so that said light-emitting element is covered with said sealing member; and  
a low-refractive-index layer having a refractive index lower than that of said sealing member and formed between said sealing member and a surface of said case shaping a side surface of said cup-like portion.  
~~A light-emitting device according to claim 1;~~

wherein, on the bottom side of said cup-like portion, said sealing member adheres to said surface of said case.

5. (Currently Amended) A light-emitting device according to claim 1, wherein said surface of said case comprises a ~~is~~ reflective surface.

6. (Currently Amended) A light-emitting device according to claim 1, wherein said sealing member comprises ~~is made of~~ at least one material selected from the group consisting of silicone resin, epoxy resin, urea resin, and glass.

7. (Canceled)

8. (Currently Amended) A light-emitting device comprising:

a light-emitting element;

a case comprising a cup-like portion having a bottom on which said light-emitting element is mounted;

a sealing member with which said cup-like portion is filled so that said light-emitting element is covered with said sealing member; and

a low-refractive-index layer having a refractive index lower than that of said sealing member and formed between said sealing member and a surface of said case shaping a side surface of said cup-like portion,

wherein said sealing member comprises one of grains and fine particles of a light-transmissible material, and

~~A light-emitting device according to claim 7;~~

wherein said one of said grains and ~~or~~ fine particles are localized on the bottom side of said cup-like portion.

9. (Currently Amended) A light-emitting device according to claim ~~8~~ 7, wherein said one of said grains and ~~or~~ fine particles comprises ~~have~~ a linear expansion coefficient smaller than that

Cont'd  
A3

of said sealing member.

10. (Currently Amended) A light-emitting device according to claim 1, wherein said sealing member comprises ~~contains~~ a fluorescent substance.

11-13. (Canceled)

14. (Currently Amended) A light-emitting device according to claim 1, wherein said light-emitting element comprises ~~includes~~ at least one Group III nitride compound semiconductor layer.

15. (Canceled)

*cont'd*  
*A3*  
**Please add the following new claims:**

16. (New) A light-emitting device according to claim 1, wherein an angle between said side surface of said cup-like portion and an optical axis is in a range from 20 to 60 degrees.

17. (New) A light-emitting device according to claim 1, wherein said lighting element comprises a flip chip light-emitting diode.

18. (New) A light-emitting device according to claim 1, wherein a difference between a refractive index of said sealing member and a refractive index of said low-refractive-index layer is at least 0.4.

19. (New) A light-emitting device according to claim 1, wherein said shrinkage is selectively suppressed in an area of said bottom of said cup-like portion.

20. (New) A light-emitting device according to claim 1, wherein said side-surface of said cup-like portion comprises one of aluminum and silver.

contd  
A3

21. (New) A light-emitting device according to claim 1, further comprising:  
a lead frame which defines said bottom of said cup-like portion, said light-emitting element being formed on said lead frame.
-